

# CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		5. DATE OF REQUEST:	NEED RESPONSE BY:
2. REQUESTOR NAME: Juanita Fleming		6. COUNTY/ORGANIZATION: Solano County	
3. PHONE NO.: 707-784-3807		7. SUBJECT: Uber Drivers	
4. REGULATION CITE(S): 63-503.4		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).  MPP 63-503.413	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Self-employed Uber drivers receive weekly pay that is less a commission (approximately 20%) deducted by the parent company. Applicants are often including other expenses such as gasoline, auto insurance, mobile phone, and car washes (required by Uber). Should the gross self-employed income used to determine the budget be the amount the client sees in his/her bank account, or the amount that Uber is claiming on tax forms (which is pre-20%)? For example, Uber driver reports \$800 on the PayPal bank statement for March 2015. Uber automatically takes out \$200 as a commission before transferring the weekly pay amounts.

Or is the Uber driver considered a contract employee with no allowances for expenses.

10. REQUESTOR'S PROPOSED ANSWER:

\$1000 used as gross earnings, with \$200 being part of the claimable self-employment expenses. Additional expenses (as mentioned above) could be added to this \$200 to see if it's larger than the standard 40% deduction.

Or if they are a contract employee how will the income be used.

(There is currently a court case pending regarding Uber drivers employment status)

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Class action litigation in progress may rule drivers as employees in the future. However, at present, the gross self-employed income used to determine the budget is the amount received in the client's bank account through direct deposit (drivers enter their banking information (routing number and account number) directly into Uber's website. The "earnings" or "Total Payout" amount on the Payment Statement is the amount to be used as the driver's gross income. The "Rider Fee" and the "Uber Fee" (20%) are not included in this paid amount. The statement provides weekly totals which the driver can access electronically. To determine the CalFresh net gross income of the applicant or recipient, the individual shall choose either actual costs of producing self-employment income or a standard deduction of 40 percent of gross earned income. The amount of actual costs of producing self employment or the standard 40 percent of gross earned income is deducted from total gross earned income to arrive at the net gross earned income amount [MPP 63-503.413, 63-503.242(a)(2), 63-503.242(a)(3), 63-503.242(b), 63-503.242(c)(2), ACL 13-17 page 7].

## FOR CDSS USE

DATE RECEIVED:

August 7, 2015

DATE RESPONDED TO COUNTY/ALJ:

# Payment Statement - Sample

TOTAL PAYOUT  
**\$193.98**

Period Ending: June 1, 2015 4AM PDT

TRIP EARNINGS		Summary
Fare	Base + Time + Distance. Fare details at <a href="https://www.uber.com/cities/sacramento">https://www.uber.com/cities/sacramento</a>	175.63
Surge	Increased rates during times of high demand	66.83
Rider Fee (payment)	Does not affect driver payout. Includes: <ul style="list-style-type: none"><li>• Safe Rides Fee</li></ul>	15.00
Rider Fee (deduction)	Does not affect driver payout. Includes: <ul style="list-style-type: none"><li>• Safe Rides Fee</li></ul>	(15.00)
Uber Fee	20% of uberX Fare	(48.48)

TRIP EARNINGS DETAILS		PAYMENTS		DEDUCTIONS		EARNINGS	
Date/Time	Trip ID	Fare	Surge	Rider Fee	Rider Fee	Uber Fee	Total
WEEK TOTALS		\$175.63	\$66.83	\$15.00	(\$15.00)	(\$48....	\$193.98

MAY 27, 2015 \$16.97

05:19PM 14.14 7.07 1.00 (1.00) (4.24) 16.97

Surge Pricing: 1.5x

MAY 28, 2015 \$31.79

PAYMENT STATEMENTS - *sample*

2014 Tax Information

100 ✓ per page

IN PROGRESS

WEEK ENDING ON

September 7, 2015

PROCESSED

PROCESSED	WEEK ENDING ON	TRIPS	PAYMENT	OPEN
Processed	August 10, 2015		\$2.40	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	June 22, 2015		\$57.84	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	June 15, 2015		\$38.88	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	June 8, 2015		\$24.78	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	June 1, 2015		\$193.98	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	May 25, 2015		\$24.36	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	April 27, 2015		\$31.59	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	April 6, 2015		\$52.66	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	March 30, 2015		\$43.58	<a href="#">HTML</a>   <a href="#">CSV</a>

Processed	March 9, 2015	\$62.62	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	February 9, 2015	\$78.99	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	January 19, 2015	\$35.93	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	January 12, 2015	\$75.74	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	January 5, 2015	\$152.78	<a href="#">HTML</a>   <a href="#">CSV</a>
Processed	December 29, 2014	\$12.48	<a href="#">HTML</a>   <a href="#">CSV</a>

## TRIPS - sample

## September 7, 2015 Pay Statement

TIME	DURATION	MILEAGE	FARE	STATUS
June 15, 2015 8:05PM PDT	21:39	3.91	\$8.78	Completed
June 11, 2015 11:03PM PDT	23:58	15.66	\$20.71	Completed
June 11, 2015 10:44PM PDT	3:00	0.7	\$4.00	Completed
June 11, 2015 10:35PM PDT	-	-	\$0.00	Canceled
June 11, 2015 10:05PM PDT	5:31	1.46	\$4.26	Completed
June 11, 2015 9:27PM PDT	30:02	17.69	\$23.62	Completed
June 6, 2015 12:39AM PDT	12:36	8.24	\$11.85	Completed
June 6, 2015 12:10AM PDT	18:49	11.23	\$15.68	Completed
June 5, 2015 11:55PM PDT	8:30	3.25	\$6.45	Completed
May 31, 2015 10:05PM PDT	7:27	3.18	\$11.42	Completed

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for lack of receipt of the requested information needed to accurately determine eligibility or benefit level. After the noticing period, the CWD closes the case.

### **PROJECTING ANTICIPATED AND AVERAGED INCOME AND EXPENSES OVER THE CERTIFICATION PERIOD**

FNS denied the waiver request to allow projecting anticipated and averaged household income and expenses over the SAR payment period rather than the certification period, as required by FNS rules. Therefore in ACL 12-25, when 'SAR payment period' is mentioned for CalFresh in regard to projecting income and expenses, the time period should refer to the certification period. 'Certification period' is to replace 'SAR payment period' when projecting household income and expenses only for CalFresh.

Examples of anticipating and averaging income and expenses over the certification period for CalFresh:

Example 1: At application, recipient reports receiving \$100 in earnings every week and reasonably anticipates that this income will continue at the same amount for the upcoming certification period. The \$100 weekly income is multiplied by the weekly multiplier of 4.33 to determine the monthly average income amount of \$433. (If the recipient reports receiving \$200 every two weeks, the \$200 bi-weekly income is multiplied by the bi-weekly multiplier of 2.167 to determine the monthly average income amount of \$433.) This amount would be forecast over the entire certification period, and then recalculated for the remainder of the certification period if a change in income is reported on the SAR 7.

Example 2: A recipient reports on his SAR 7 that four weekly paychecks were received in the following amounts: \$115, \$100, \$125, and \$95 and indicates on the SAR 7 that his income is not expected to change during the remainder of the certification period. The CWD will add the four weeks of income together, divide by four and then multiply the resulting amount by 4.33 to arrive at the average monthly income amount for the remainder of the certification period (i.e.:  $\$115 + \$100 + \$125 + \$95 = \$435 / 4 = \$108.75 \times 4.33 = \$470.89$ ). (If five pay periods were reported in the Data Month on the SAR 7, the CWD will add each week together, divide by five, and then multiply the resulting amount by 4.33.)

### **CASELOAD CONVERSION AND ALIGNMENT**

The CWD shall align the CalWORKs annual redetermination of eligibility and the CalFresh certification period with the SAR cycle. When an applicant is approved for aid and begins a SAR cycle, the CWD must ensure the SAR cycle is aligned with the redetermination/recertification. Current policy allows CalFresh to shorten certification periods as needed to align with CalWORKs and Medi-Cal certification periods.